

Attorney's Docket No.: 008483.P001

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|----------------------------------|---|---------------------------|
| In Re Application of: |) | |
| |) | |
| Dong-Hyun Kim, et al. |) | |
| |) | Examiner: Chen, Catheryne |
| Application No: 10/536,791 |) | |
| |) | Art Unit: 1655 |
| Filed: December 21, 2005 |) | |
| |) | |
| For: GINSENG FERMENTED BY LACTIC |) | Confirmation No.: 4525 |
| ACIDE BACTERIUM, YOGHURT |) | |
| CONTAING THE SAME, AND |) | |
| LACTIC ACID BACTERIA USED IN |) | |
| THE PREPARATION THEREOF |) | |
| (As Amended) |) | |
| |) | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. §1.132

I, Lester J. Vincent, do hereby declare and say:

1. A deposit of Bifidobacterium KK-1 was deposited on March 22, 2002 with the Korean Cultural Center of Microorganisms and assigned Accession number KCCM-10364.
2. A copy of the International Form assigning Accession number KCCM-10364 is attached as Appendix A.

3. All restrictions imposed by the depositor on the on the availability to the public of Bifidobacterium KK-1, Accession number KCCM-10364 will be irrevocably removed upon the granting of a patent.

I, Lester J. Vincent hereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made knowing that willful false statements and the like are punishable by fine or imprisonment, or both under § 1001 of Title 18 of United States Code, and such willful or false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Date: September 29, 2009



Lester J. Vincent
Reg. No. 31,460

CERTIFICATE OF TRANSMISSION

I hereby certify that this document is being submitted via EPS-WEB
on: September 29, 2009
Assistant: /Carla Anysia Nascimento/
Carla Anysia Nascimento

APPENDIX A

International Form assigning Accession number KCCM-10364



BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Dr. Kim, Dong-Hyun
College of Pharmacy, Kyung-Hee University,
1 Hoeki-Dong, Dongdaemun-Ku,
Seoul 130-701,
KOREA

RECEIPT IN THE CASE OF AN ORIGINAL
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

| | |
|--|---|
| I. IDENTIFICATION OF THE MICROORGANISM | |
| Identification reference given by the DEPOSITOR : <i>Bifidobacterium</i> KK-1 | Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: KCCM-10364 |
| II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION | |
| The microorganism identified under I above was accompanied by: <input type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable) | |
| III. RECEIPT AND ACCEPTANCE | |
| This International Depositary Authority accepts the microorganism identified under I above, which was received by it on Mar. 22, 2002. (date of the original deposit) | |
| IV. INTERNATIONAL DEPOSITARY AUTHORITY | |
| Name : Korean Culture Center of Microorganisms Address : 361-221, Yurng B/D Hongje-1-dong Seodaemun-gu SEOUL 127-041 Republic of Korea | Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): Date: Mar. 25, 2002 |

1 Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired; where a deposit made outside the Budapest Treaty after the acquisition of the status of international depositary authority is converted into a deposit under the Budapest Treaty, such date is the date on which the microorganism was received by the international depositary authority.